

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CATHERINE SHERARD LUNN,)
vs.)
Plaintiff,)
vs.)
CASE NO. 3:10-1079
JUDGE TRAUGER/KNOWLES
VETERANS AFFAIRS HOSPITAL,)
Defendant.)

REPORT AND RECOMMENDATION

This a pro se in forma pauperis action for employment discrimination against “Veterans Affairs Hospital.” Docket No. 1. Judge Trauger has referred this action to the undersigned in part for a frivolity review under 28 U.S.C. § 1915(e)(2)(B), which provides as follows:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that –

(B) the action or appeal —

(i) is frivolous or malicious;

(ii) fails to state a claim upon which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

Docket No. 3.

Plaintiff's Complaint is set forth on a "fill-in-the-blanks" form. Plaintiff avers that Defendant terminated Plaintiff's employment. The substantive allegations of Plaintiff's

Complaint, in full, are as follows:

 during my first year or employment, I was absent due to maternity leave, Mason (baby) was admitted to Vanderbilt Children's in ICU, I have complication due to the delivery of Mason & intestinal issues, had a miscarriage, right knee surgery . . .

I was told that I had 12 weeks of maternity leave. (I took 7 weeks off.) When my yearly evaluation was due everything was well; except my phlebotomy skills. I am willing to go through a phlebotomy certification course, because I know a skill can be taught/learned.

Originally I was employed for 4n and the VA placed me in the out patient lab on the 1st day. My knowledge, skills, and abilities exceed this position but, I was willing to work.

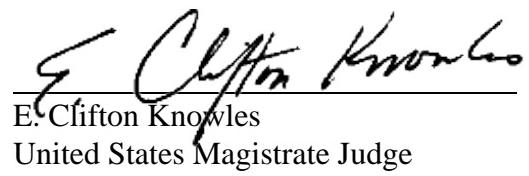
[Add ii and iii].

Title VII prohibits discrimination in employment based upon an employee's race, color, sex, religion or national origin. 42 U.S.C. § 2000e-2. Plaintiff does not allege that any adverse actions were taken against her on the basis of any of the classifications set forth in Title VII. In fact, Plaintiff's Complaint does not even allege that any adverse employment actions were taken against her at all.

For the foregoing reasons, Plaintiff has failed to state a claim upon which relief can be granted, and the undersigned recommends that this action be DISMISSED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

Recommendation. See *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985),
reh'g denied, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge